

What is a Nongame Animal?

EXHIBIT 7
DATE 2-12-09
HB 443

These animals are not nongame:

Game¹

Antelope — Game Animals

Bear
Caribou
Deer
Elk
Moose
Mountain Goats
Mountain Lions
Mountain Sheep
Wild Buffalo

Ducks — Migratory Game Bird

Geese
Swans
Cranes
Rails
Coots
Wilson's Snipe
Mourning Doves

Grouse — Upland Game Bird

Pheasants
Ptarmigan
Prairie Chickens

Game Fish (trout, walleye, etc.)

Furbearers

Beaver
Bobcat
Fisher
Lynx
Marten
Mink
Muskrat
Northern Swift Fox
Otter
Wolverine

Predators

Coyotes
Skunks
Weasels
Civet Cats

Endangered Species

Whooping Crane
Black-footed Ferret
Timber Wolf²

Nongame¹

Great Blue Heron
Pika
Masked Shrew
Snowshoe Hare
Woodpeckers
Sagebrush Lizard
Western Toad
Yellow Perch
Pumpkinseed
Western Meadowlark
Flying Squirrel
White Pelican
White-tailed Cottontail
Least Chipmunk
Sagebrush Vole
Painted Turtle

Animals That Fall Through the Cracks¹

Bald Eagle³
Golden Eagle³
Falcons³
Hawks³
Owls³
Bats⁴
Armatus Ground Squirrel⁴
Columbia Ground Squirrel⁴
Field Mice⁴
Ground Squirrels⁴
Jackrabbits⁴
Mice⁴
Pocket Gopher⁴
Prairie Dogs⁴
Raccoons⁴
Rats⁴
Richardson ground squirrel⁴
Thirteen-striped ground squirrel⁴

¹ These are not complete lists of animals - they are only examples

² Wolves become a game animal or furbearer once they are off the Endangered Species list (87-5-131 MCA).

⁴ Dept. of Agriculture controls these animals when they become pests under 80-7-1101 MCA or Title 7, Section 22, Part 22 (Rodent Control Districts) or counties control them as vertebrate pests (Title 7, Section 22, Part 25).

³ These animals can be destroyed if they destroy livestock or poultry under 87-5-209 MCA.

HB 443 Walk Through Bill

Because of an unfortunate definition of “nongame animal” in statute, many animals traditionally thought of as nongame animals are technically not. So what is the problem with the definition? The current statute defines “nongame animals” as animals that are not “otherwise classified” elsewhere in Montana statutes. And several animals—traditionally considered nongame animals—are “otherwise classified” under Montana statutes—so they are precluded from being considered nongame, including:

- Hawks, eagles, falcons and Osprey
- Owls
- Bats
- Prairie Dogs
- Other Animals

Section 1

Page 1, line 30 – Latin name change

Page 2, lines 13 – 14 – Change definition of Nongame Wildlife – Basically says that nongame animals are anything NOT OTHERWISE CLASSIFIED under FWP statutes.

Section 2

Page 3, lines 13 – 18. The definition of “management” is modernized:

- HB 443 removes the requirement that management means “increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining those levels” and replaces that requirement with “conserving populations of wildlife consistent with other uses of land and habitat.”
- HB 443 also adds “control” to the list of activities allowed by FWP is allowed to do as it “manages” nongame animals.

Page 3, lines 19 – 22. Changes the definition of Nongame Wildlife – Basically says that nongame animals are anything NOT OTHERWISE CLASSIFIED under FWP statutes.

Page 3, lines 23 – 25. Removes the definition of “optimum carrying capacity” which is deleted from the definition of “management” above.

Section 3

Page 4, lines 9 – 12: makes sure that rodents and vertebrate pests can be managed as they are today: prairie dogs, rodents, and other vertebrate pests can be controlled:

- In Rodent Control Districts and as County Vertebrate Pests (pursuant to Title 7, chapter 22, part 22 or 25);
- As Vertebrate Pests by the Dept of Agriculture (Title 80, chapter 7, part 11);
- On lands owned/managed by the department of natural resources and conservation; or
- On private land by the landowner.